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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/218,990	12/22/98	BARANDA	P OT-4355
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PM82/0816

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EXAMINER

TRAN, T

ART UNIT	PAPER NUMBER
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3652

*12*

DATE MAILED: 08/16/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/218,990**

Applicant(s)

**Baranda et al.**

Examiner

**Thuy V. Tran**

Group Art Unit

**3652**



☒ Responsive to communication(s) filed on Jun 2, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-50 is/are pending in the application.

Of the above, claim(s) 16, 17, 19, and 26-28 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15, 18, 20-25, and 29-50 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 5, 6, 7 & 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Election/Restriction*

1. Applicant's election without traverse of Species IB, Figure 3 and sub-species IIC, Figure 8 in Paper No. 11 is acknowledged.
2. Claims 16, 17, 19, 26-28 (note, claim 28 is not readable on the elected species) are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 11.

### *Oath/Declaration*

It does not state that the person making the oath or declaration in a continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

It appears in the specification that Applicants intend to claim this present applicant as a continuation-in-part of a copending application number 09/031,108. However, this statement is lacked in the declaration filed on May 28, 1999.

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***Claim Rejections - 35 USC § 112***

3. Claims 10 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "said wires are in the range of about .10 millimeters to about .20 millimeters" render the claim indefinite because the above recitation is a range within a range of the limitation recited on claim 1.

Claim 23 recites the limitation "said wire" in line 1. There is insufficient antecedent basis for this limitation in the claim. Further, claim 23 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. According to the "Webster's New World Dictionary" Third College Edition's definition, *wire (n) 1. metal that has been drawn into a very long, thin thread or rod, usually circular in cross section.*

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-9, 11-15, 18, 20, 23 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 49-20811A in view of Bruyneel et al. 5,461,850.

JP '811 discloses a flat tension member for providing lifting force to a car comprising a plurality of discrete cords arranged in spaced relation to each other, each cord includes six outer strands twisted around a center strand, and each strand includes several wires twisted around a center wire, and an elastomer coating layer substantially enveloping the plurality of cords and having an aspect ratio (w/t) of greater than two.

Bruyneel et al. '850 disclose a multi strand steel cord for used as a hoisting cable in elevators comprising several strands twisted around a center strand. The center strand comprises several wires, including wires less than .25 millimeters in diameter, twisted around a center wire in a first direction, the outer strands each comprises several wires twisted around one center wire in a second direction, and the outer strands are twisted around the center strand in the first direction. Each of the center wire of each strand is larger in diameter than all wires twisted therearound and the center wire of the center strand is larger in diameter than the center wire of each outer strands.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the multi strand steel cords having the center strand comprises several wires, including wires less than .25 millimeters in diameter, twisted around a center wire in a first direction, the outer strands each comprises several wires twisted around one center wire in a second direction, and the outer strands are twisted around the center strand in the first direction

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for the tension member of JP '811 as taught by Bruyneel et al in order to promote a stable torsion balance.

Re claim 21, it would have been obvious matter of design choice to modify the JP '811 '209 reference by having the coating layer formed from thermoplastic urethane, since applicant has not disclosed that having the coating layer of formed from thermoplastic urethane solves any stated problem and it appears that the tension member would perform equally well with any elastomeric coating.

6. Claims 1-3, 5-9, 11-15, 18, 20, 23-25, 29-31, 34, 37, 38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2,134,209 in view of Bruyneel et al. 5,461,850.

GB '209 discloses a traction drive for an elevator system including a traction sheave driven by a machine, and a plurality of flat tension members interconnecting a car and a counterweight, each flat tension members comprises a plurality of cords encased within an elastomer coating surface. The traction sheave includes a pair of retaining rims on opposite sides and a non-metallic traction surface and a divider for each of the flat tension members

Bruyneel et al. '850 disclose a multi strand steel cord for used as a hoisting cable in elevators comprising several strands twisted around a center strand. The center strand comprises several wires, including wires less than .25 millimeters in diameter, twisted around a center wire in a first direction, the outer strands each comprises several wires twisted around one center wire in a second direction, and the outer strands are twisted around the center strand in the first direction.

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Each of the center wire of each strand is larger in diameter than all wires twisted therearound and the center wire of the center strand is larger in diameter than the center wire of each outer strands.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the multi strand steel cords having the center strand comprises several wires, including wires less than .25 millimeters in diameter, twisted around a center wire in a first direction, the outer strands each comprises several wires twisted around one center wire in a second direction, and the outer strands are twisted around the center strand in the first direction for the tension member of GB '209 as taught by Bruyneel et al in order to promote a stable torsion balance.


Re claim 21, it would have been obvious matter of design choice to modify the GB '209 reference by having the coating layer formed from thermoplastic urethane, since applicant has not disclosed that having the coating layer of formed from thermoplastic urethane solves any stated problem and it appears that the tension member would perform equally well with any elastomeric coating.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited references separately discloses a tension member formed from strands of wires.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.

  
DEAN J. KRAMER  
PRIMARY EXAMINER

TVT (TST)

August 14, 2000